

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MRS. SARAH M. DAVID-BARLOW; MR.
CLINTON C. BARLOW,

Plaintiffs,

-against-

N.Y. N.J. MARRIAGE LIC. AGENCY'S, *et*
al.,

Defendants.

20-CV-3136 (CM)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION AND ORIGINAL
SIGNATURE

COLLEEN McMAHON, Chief United States District Judge:

Clinton C. Barlow and Sarah M. David-Barlow filed this action *pro se*. Clinton C. Barlow signed the complaint and submitted a Request to Proceed *In Forma Pauperis* (IFP application). Sarah M. David-Barlow did not.

Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a); *see* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001). Moreover, to proceed with a civil action in this Court, a litigant must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914.

Sarah M. David-Barlow is listed as a plaintiff in the caption of the complaint, but she did not sign the complaint or submit an IFP application. Within thirty days of the date of this order, Plaintiffs must either pay the \$400.00 in fees, or Sarah M. David-Barlow must submit the

attached IFP application. And to remedy Plaintiff Sarah M. David-Barlow's lack of signature on the complaint, within thirty days of the date of this order, she must sign and submit the attached declaration form. If Sarah M. David-Barlow submits the IFP application and declaration form, they should be labeled with docket number 20-CV-3136 (CM). If Plaintiffs comply with this order, the case will be processed in accordance with the procedures of the Clerk's Office. If Plaintiffs fail to comply with this order within the time allowed, the matter will proceed with Clinton C. Barlow as the sole plaintiff.

Plaintiff Clinton C. Barlow consented to receive electronic service of notices and documents in this case. (ECF No. 3.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: April 29, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge